

***City of York Board of Zoning Appeals***  
***Minutes***  
***June 8, 2020***  
***\*\*\*Virtual Meeting\*\*\****

**Members Present:**

Chairperson James Ramere  
Strauss Shiple  
Rodney Blair  
Jill Neff  
Cheryl Sige

**Members absent:**

Bryant Brown  
Becca Caldwell

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
Public Information Officer Fritz

Chairperson Ramere called the meeting to order at 5:30 pm and indicated the following:

Due to the COVID-19 pandemic, York City Council adopted an emergency ordinance allowing meetings to be conducted exclusively through the use of electronic, computer-based medium; as such:

1. The City has chosen to conduct the meeting through the use of GoToMeeting while streaming on Facebook Live.
2. The willingness of everyone to adapt to this new environment and adjust to the new format is greatly appreciated.
3. Verbally poll individual Board members to confirm attendance.
4. Announce that:
  - a. Each Board member must individually vote by voice on each Motion (yay or nay).
  - b. Any Board member that wishes to abstain from a vote must state the reason for such abstention.
  - c. Each person should be identified before speaking.
  - d. Each person should mute microphone unless speaking.
5. To ensure that each public hearing is conducted fairly, the City has chosen to receive feedback from the public and the applicant in the following manner through 4:00 pm today (no live feedback will be allowed during the public hearing):
  - a. Email
  - b. Voicemail
  - c. US mail
  - d. Hand delivery

**The first item of business** was approval of the draft Minutes from the March 9, 2020 meeting. Upon a Motion by Rodney Blair, seconded by Jill Neff, the Board unanimously approved the Minutes as submitted.

**The second item of business** was a special exception application to allow a flea market at 108 North Congress Street.

Planning Director Breakfield indicated the following regarding the application:

1. Currently, the Zoning Ordinance does not allow flea markets in the B1 – Central Business district.
2. Jamie Patterson has submitted a zoning text amendment request to allow flea markets by special exception in the B1 – Central Business district.
3. On May 26, 2020, the Planning Commission reviewed and recommended approval of a proposed ordinance that would allow flea markets in the B1 zoning district subject to special exception approval from the Board of Zoning Appeals (BZA).
4. After reviewing the Planning Commission’s favorable recommendation, York City Council has given first reading to an ordinance that would allow flea markets in the B1 zoning district subject to special exception approval by the BZA.
5. The applicant proposed to create Yorkville Marketplace at 108 N. Congress St. The proposed business would be classified as a flea market by the Zoning Ordinance; therefore, the applicant has requested a special exception for the proposed business per the provided application and supporting information.
6. Since the property is in the Local Historic District, the Board of Architectural Review (BAR) must review a certificate of appropriateness (COA) application for proposed exterior improvements for the project. On June 1<sup>st</sup>, the BAR conditionally approved a COA application for the project. The information reviewed by the BAR was included in your meeting packet. Any approval by the BZA should be conditioned on compliance with the BAR decision.
7. Please note that any approval of the special exception application must be contingent on City Council ultimately giving second reading approval to the aforementioned ordinance related to flea markets.
8. As you review the special exception application, be mindful of the review criteria included in your meeting packet.
9. The BZA has a maximum of 75 days from this meeting to render a decision regarding this application; otherwise, the application is deemed approved.
10. If a special exception application is denied by the BZA, the application cannot be presented again for a period of 12 months.
11. Correspondence from Jamie Patterson was read into the record.

After discussion and upon a Motion by Strauss Shiple, seconded by Rodney Blair, the Board approved the application as submitted based on City Council ultimately approving the pertinent zoning text amendment.

**The third item of business** was a variance application regarding nonconforming rights for a mobile home at 224 Blackburn Street.

Planning Director Breakfield indicated the following regarding the application:

1. The applicant has submitted a variance application regarding nonconforming rights for a mobile home at 224 Blackburn Street.
2. The property is referenced by tax map # 0700515003 and is zoned R7 – Residential.
3. In the R7 zoning district, mobile homes are not allowed; in fact, a mobile home is an allowed use only in a mobile home park.
4. An existing mobile home may be replaced with an approved type of mobile home as long as the existing mobile home does not remain idle or unused for a period of 180 consecutive days or more. The intermittent or illegal use of the property does not create a legal nonconforming use.
5. Since the previously-existing mobile home was not legally used in the last 180 days, the applicant has submitted a variance application from the aforementioned 180 day requirement.
6. In reviewing the application, be mindful of the variance review criteria included in your meeting packet. In using the variance criteria, the Board has the ability to review the quality /condition of the proposed mobile home, the effect on the neighborhood, the precedent-setting potential of the decision, etc.
7. The BZA has a maximum of 75 days from this meeting to render a decision regarding this application; otherwise, the application is deemed approved.
8. If a special exception application is denied by the BZA, the application cannot be presented again for a period of 12 months.
9. The following correspondence from the applicant and the public was read into the record:
  - Summary of property ownership and history from current property owner Betty Singletary
  - Email from Leslie Hatchell at 120 Blackburn Street

After discussion and upon a Motion by Rodney Blair, seconded by Jill Neff, the Board unanimously denied the application as submitted.

**The fourth item of business** was discussion of moving the regular Board meeting time to 6:00 pm.

After discussion and upon a Motion by Cheryl Sige, seconded by Rodney Blair, the Board unanimously decided to move future meeting times to 6:00 pm.

There being no further business, the meeting was adjourned at 5:55 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

cc: City Manager Seth Duncan  
File- Board of Zoning Appeals 6/8/2020